

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) 2:05-cr-00251
)
v.)
)
KIMBERLY N. HUNT,)
)
Defendant.)

MEMORANDUM ORDER

Pending before the Court is Defendant's MOTION FOR REDUCTION OF SENTENCE BASED ON 2007 GUIDELINE AMENDMENT NINE (Document No. 27), which was filed by Kimberly N. Hunt pro se. In essence, Defendant requests a reduction in her sentence as a result of the amendments to the United States Sentencing Guidelines for offenses involving cocaine base, in the form commonly known as crack cocaine.

At Criminal Information No. 05-251, Ms. Hunt was charged with an offense involving *powder* cocaine, not crack cocaine. Accordingly, the 2007 amendments to the sentencing guidelines do not apply to her conviction or sentence. Moreover, after Ms. Hunt waived indictment and pled guilty, she was originally sentenced on February 28, 2006 to the statutory mandatory minimum term of imprisonment of 120 months.¹ The guideline amendments, even if applicable, would not permit the Court to impose a sentence below the statutory minimum.

¹The sentence was subsequently reduced on March 16, 2007 to 54 months for reasons not relevant to the pending motion.

USSG § 5G1.1.

Accordingly, Defendant's MOTION FOR REDUCTION OF SENTENCE BASED ON
2007 GUIDELINE AMENDMENT NINE (Document No. 27) is **DENIED**.

SO ORDERED this 15th day of April, 2008.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

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